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B. Legeb
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Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date appearing below.

ELI LILLY AND COMPANY

Bv

Date _____

1-17-00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Borts, Tracy Leitner
Broderick, Carol Lynn
DiMarchi, Richard Dennis
Grinnell, Brian William
Reifel Miller, Anne

FEB 02 2000

Serial No. : 09/091,605

Attention:

Branch Manager

Filed: June 16, 1998

For: DIABETES THERAPY

Docket No. : X-9872

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES
AND PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D. C. 20231
Attention: Box Sequence

Sir:

This is in response to a "Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures" dated December 15, 1999, noting the absence of a Sequence Listing.

please amend the specification by inserting
the enclosed Sequence Listing into the specification.

The information contained in this Sequence Listing is derived from the original version of the specification,

Serial No. 09/091,605

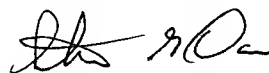
pages 6-8, 13 and 18, as filed and does not introduce any new matter to the specification.

In compliance with 37 C.F. R. 1.821-1.825 for patent applications with nucleotide and/or amino acid disclosures, the following items are enclosed herewith:

- 1) a copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- 2) a computer-readable copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(e);
- 3) a paper copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(c); and
- 4) an affirmation pursuant to 37 C.F.R. § 1.821(f).

If the Examiner feels that a telephone conversation with Applicants' Attorney would be helpful in expediting the prosecution of this case, the Examiner is urged to call Applicants' Attorney at (617) 250-1833.

Respectfully submitted,



Steven G. Davis
Attorney for Applicants
Registration No. 39,652
Phone: 617-250-1833

Eli Lilly and Company
Patent Division/SGD
Lilly Corporate Center
Indianapolis, Indiana 46285

January 14, 2000



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

ELI LILLY AND COMPANY

By

KS R. Roeder

Date

1-17-00

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Borts, Tracy Leitner, et al.)
Serial No. : 09/091,605)
Filed : June 16, 1998) Group Art Unit:
For : DIABETES THERAPY) 1632
Docket No. : x-9872) Examiner:
) Lee, G.
)

STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE
WITH 37 C.F.R. 1.821(f) (SEQUENCE LISTING)

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

I hereby affirm that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. 1.821(c) and (e), respectively, are the same.

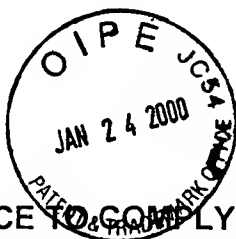
Respectfully submitted,

SGD

Steven G. Davis
Attorney/Agent for Applicants
Registration No. 39,652
Phone: 617-250-1833

Eli Lilly and Company
Patent Division/SGD
Lilly Corporate Center
Indianapolis, Indiana 46285

January 14, 2000



Application No.: 09/091,605

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification. If different from what was originally filed.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE